

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5904 OF 2004

Shri Madanrao Vasantrao Mohite & Ors. ..Petitioners.

Versus

Krishna Sahakari Sakhar Karkhana Ltd. ..Respondents.
and others.

WITH
WRIT PETITION NO. 5905 OF 2004

Shri Manikrao Gopal Jadhav & Anr. ..Petitioners.

v/s.

The Commissioner of Sugar Pune & Ors. ..Respondents.

Mr.A.Y.Sakhare with L.M. Acharya for the Petitioners
in both the petitions.

Mr. R.A.Thorat for the Respondent No.1.

Mr.A.H.Palekar, AGP for the Respondents Nos.2 to 4.

CORAM : S. A. BOBDE, J.
DATED : 28TH OCTOBER, 2005.

P.C.:

1. Rule returnable forthwith in both the petitions. Mr. Thorat, Advocate, for the Respondent No.1 and Mr. Palekar, AGP for the Respondent Nos. 2 to 4 in both the petitions appear and waive service of Rule. Heard by consent.

2. The petitioners have applied for revision in respect of the order passed by the Appellate Authority of the State section 83 and 88 of the Maharashtra

Co-operative Societies Act, without going into a details of the controversy, it appears from the face of the order that there is substance in the contention on behalf of the petitioners that they were not heard. The impugned order which is common in both the petitions, shows that the authority has recorded that one Advocate Ms. Jahanara Sarkhot appeared on behalf of the petitioners (applicants) and agreed to submit a written say in the matter within 10 days. There is no dispute before me that the said Jahanara Sarkhot appeared for the respondents. In this view of the matter, it appears that the petitioners were not effectively represented and heard before the impugned order was passed. On this ground alone, the impugned order is set aside. The matter is remanded back to the revisional authority for fresh decision in accordance with law.

3. The revision shall be decided as expeditiously as possible and in any case not later than 8 weeks from the date the parties appear before the appellate authority. The petitioners are directed to appear before the authority on 14th November, 2005.

4. Rule is disposed of in the above terms in both the petitions.

DT. 28.10.05

(S.A.BOBDE, J)

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